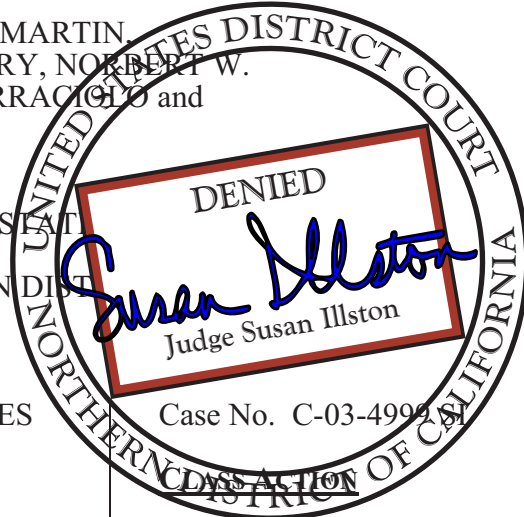


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The Court will leave the case management
on calendar for scheduling purposes.

Attorneys for Defendants
GILEAD SCIENCES, INC., JOHN C. MARTIN,
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BISCHOFBERGER, ANTHONY CARRACINO and
WILLIAM A. LEE

UNITED STATES
NORTHERN DISTRICT



In re GILEAD SCIENCES SECURITIES
LITIGATION,

This Document Relates To:

ALL ACTIONS

**JOINT STIPULATION AND [PROPOSED]
ORDER TO RESCHEDULE THE CASE
MANAGEMENT CONFERENCE**

WHEREAS, by decision dated August 11, 2008, the United States Court of Appeals for the Ninth Circuit reversed a previous dismissal of this action and remanded it back to the District Court for the Northern District of California; and

WHEREAS, a Case Management Conference in this action has been set by the Court for January 16, 2009; and

WHEREAS, Defendants have advised Plaintiffs that they intend to renew their motion to dismiss this action on grounds not yet ruled upon by the previous decisions in this case, and plaintiffs intend to oppose such motion; and

1 WHEREAS, discovery in this action will be stayed pursuant to the Private Securities
2 Litigation Reform Act (“PSLRA”) upon Defendants’ filing of their renewed motion to dismiss;
3 and

4 WHEREAS, Defendants have advised Plaintiffs that they intend to file a petition for writ
5 of certiorari to the Supreme Court of the United States and reserve their right to move to stay all
6 proceedings in this action pending a decision on such petition, and Plaintiffs have advised
7 Defendants that they would oppose such stay; and

8 WHEREAS, in light of these outstanding issues and for purposes of judicial efficiency
9 and economy, the parties believe that a Case Management Conference is premature, and have
10 agreed on a briefing schedule for Defendants’ renewed motion to dismiss;

11 NOW, THEREFORE, the parties hereby stipulate and agree, as follows:

12 1. Defendants’ renewed motion to dismiss shall be filed and served by February 13,
13 2009.

14 2. Plaintiffs’ opposition to the motion shall be filed and served by April 14, 2009.

15 3. Defendants’ reply to the opposition shall be filed and served by May 14, 2009.

16 4. In the event that defendants move to stay all proceedings in the action pending a
17 ruling on their petition for writ of certiorari to the Supreme Court, the parties will meet and confer
18 in good faith to attempt to stipulate to a schedule for such motion.

19 5. The Case Management Conference currently scheduled for January 16, 2009 shall
20 be removed from this Court’s calendar and will be rescheduled for a date thirty (30) days after
21 this Court enters its order on Defendants’ motion to dismiss or at the Court’s earliest convenience
22 thereafter

1 IT IS SO STIPULATED.

2 DATED: December 18, 2008

COOLEY GODWARD KRONISH LLP

3
4 /s/ John C. Dwyer

5 John C. Dwyer

6 ***Counsel for Defendants***

7
8 DATED: December 18, 2008

KAPLAN FOX & KILSHEIMER LLP

9
10 /s/ Linda M. Fong

11 Linda M Fong

12 ***Liason Counsel for Plaintiffs***

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23 ***Co-Lead Counsel for Plaintiffs***

[PROPOSED] ORDER

The above stipulation having been considered and good cause appearing therefore,

IT IS SO ORDERED.

DATED: _____

The Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Joint Stipulation and [Proposed] Order to Reschedule the Case Management Conference.

Dated: December 18, 2008

COOLEY GODWARD KRONISH LLP

By: _____/s/
John C. Dwyer